IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.Rev.Pet.No. 637 of 1999()

CC.19/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER: DEFACTO COMPLAINANT

PATTAMMARTHODY ARUMUGHAN
S/O.UNLICHENDAN
POOKOTTUR
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S.NAIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SUB INSPECTOR OF POLICE
   MANJERI POLICE STATION, MANJERI.

2. KONDOTTY PAREMBEN MOHAMMED KUTTY
   S/O.KUNHAVAMU, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

3. KONDOTTY PAREMBEN MOHAMMED ALI
   S/O.KUNHIMOIDEEN, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

4. KONDOTTY PAREMBEN MOIDUTTY HAJI
   S/O.AHAMMEDKUTTY HAJI, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

5. KONDOTTY PAREMBEN KUNHU @ KUNHU POCKER
   S/O.MOHAMMED, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

6. IMMINIKKARA SHEFEEQUE
   S/O.MOHAMMED, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

7. IMMINIKKARA SAMEER
   S/O.MOHAMMED, POOKOTTOOR AMSOM
   PULLARAMOOCHIKKAL.

8. SANJEERI SHAJI, S/O.HAMSA
   POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

9. SANJEERI KOYA, S/O.MUHAMMED
   POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

10. SANJEERI ABDUL KAREEM, S/O.MOHAMMED
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

11. PERAPURATH ALAVI, S/O.AHAMMED
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

12. KONDOTTYPAREMBEN KUNHIMOOIDEEN, HAJI
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

13. KONDOTTYPAREMBEN KUNHAHAMMED
    S/O.MOYIN HAJI, POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

14. PANGOTTIL HAMSA, S/O.UMMER
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

15. KUTTANTHADAVAN UMMER, S/O.ASSAINAR
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

16. KALLUTTAMBIL UMMER, S/O.UNNIMODU
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

17. NOOREMOCHI HASSAN, S/O.MOHAMMED
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

18. KALATHINGATHODI ABDULLA
    S/O.KUNHAKKAMMU, POOKOTTOOR AMSOM,
    PULLARAMOOCHIKKAL.

19. ILLIKKATHODI MOIDEEN, S/O.KUNHALANKUTTY
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

20. NOORENMOOCHI MUSTHAFA, S/O.KAMMUNNI HAJI
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL, PULLARA DESOM.

21. KONDOTTYPAREMBEN AHAMMED, S/O.HASSAN
    POOKOTTOOR AMSOM, PULLARAMOOCHIKKAL.

22. ILLIKKATHODI NASAR, S/O.KUNHALAN KUTTY
    POOKOTTOOR AMSOM, PULLARA DESOM.

BY ADV. SRI.K.M.SATHYANATHA MENON
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I find that the version of the investigating officer would show that there was a counter case in the matter and Pws.2, 3, 5,6, 7 and 12 are accused therein. The investigating officer has also deposed that the weapons required were produced in the counter case as the weapons used by the accused therein who are the prosecution witnesses herein. It was in the above circumstances, it appeared to the court below that the prosecution witnesses herein were the real aggressors. Although PW3 has sustained some serious injuries, there was absolutely no injury on PW2 as per the version of PW1, the Doctor. Pws.5, 8 and 9 cited as occurrence witnesses did not support the prosecution. The evidence of Pws.3, 6 and 7, the sons of PW2 as to the exact place where the incident took place and the sequence of the same did not tally, as rightly observed by the court below. PW6 has stated that he was inside the house at the time whereas PW7 has stated that he along with PW6 was standing outside the house. According to Pw12, when the incident took place PW3 was standing on the verandah of his house which is not the version of the witnesses. Further more, the scene mahazar was not proved in the case. The evidence of

PW12 that from the injuries of PW3 there was excessive bleeding and there was blood stains in the court yard is not supported by the investigating officer. In the circumstances and in view of the constraints of the revisional jurisdiction against acquittal, I find that no interference is called for. Hence, the Crl. revision petition is dismissed.